S.B.Cr.Misc. Bail App. No. 4362/2007
(Binja Ram Vs. State of Rajasthan)

Date of order : 11/09/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. S.L.Soni for the petitioner.

Mr V.R.Mehta, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and police investigation diary.

It is contended by learned counsel for the petitioner that the deceased was at her parents house and it was the fateful day that she came to the petitioner's house and committed suicide. Learned counsel for the petitioner submits that the brother of the deceased Motiram caused grievous injury to the mother of the petitioner, for which a case was registered against Motiram. Thereafter, Motiram caused injuries to present petitioner, for which again a case was registered against Motiram and some proceedings under Section 107/116(3) Cr.P.C. were also initiated against Motiram. However, on 27.7.2007 the parties compromised the matter and thereafter on 2.8.2007 the deceased who has been residing at her parent's house, came over to the petitioner's house and alleged to have committed suicide. In the FIR, there is no specific allegation except showing the suspicion against number of persons named in the FIR.

Looking to the facts and circumstances of the case, on careful

scrutiny of the police investigation diary and the fact that the deceased has been residing at her parent's house till 2.8.2007 and there being no specific allegation against the present petitioner abetting to commit suicide to the deceased, without commenting on the merit of the case, having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Binja Ram S/o Gumana Ram be released on bail in CR No. 244/2007 P.S. Sojatcity, provided he executes a personal bond for a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP